

Fisheries Bill.

(Ireland.) (No. 2.)

ARRANGEMENT OF CLAUSES.

- Repeal of Statutes passed since 1842; Sect. 1.
No Acts repealed by Act of 1842 but those therein specified; 2.
Saving Rights in Boat and Oyster Beds made under repealed Acts; 3.
Saving Rights in Weirs erected since 1842; 4.
Seaward Limits of Act; 5.
Retiring Pension to Commissioners of Fisheries; 6.
Revival of s. 38. of 59 Geo. 3. c. 109. securing to the Inhabitants of the United Kingdom the Right of fishing on and using the Coasts, Bays, &c. of Great Britain and Ireland; 7.
Revival of repealed Part of a Local Act of 28 Hen. 8. c. 22. as to Destruction of Spawn, &c. in Weirs on the Barrow, &c.; 8.
Revival of s. 3. of 5 Geo. 2. c. 24. saving Rights of Fishermen to fish with lawful Nets on navigable Waters (copied from 4 & 5 W. & M. c. 23. s. 6. (E.); 9.
Revival of 10 Car. 1. sess. 2. c. 24. securing to Fishermen the Right of going on high Grounds adjoining the Sea to watch for Fish and to draw Nets on shore, &c. (copied from 1 Jac. 1. c. 23. (E.); 10.
Revival of Part of 10 Car. 1. sess. 3. c. 14. against taking Salmon with certain Fixed or Standing Nets; 11.
Revival of ss. 8, 9, 10, and 11. of 26 Geo. 3. c. 50. Penalty on neglecting to abate Weirs after Notice; 12.
Penalty for setting up a new Weir in Harbours or on Sea Shore, or destroying Fry of Sea Fish therein; 13.
Meshes of Nets, &c. on Sea Shore; 14.
Swine not to be put to feed on Sea Shore from March to September; 15.
Penalty on taking Fry of Eels or Trout under certain Size, &c.; 16.
Justices at Quarter Sessions to appoint Conservators for Salmon; 17.
And to fix close Season for Salmon and Salmon Trout; 18.
Mode of fixing it as to Rivers forming the Boundaries of Two Counties; 19.

- If Justices of such Two Counties cannot agree, Justices of next County to fix it ; 20.
- Penalty on taking Salmon under certain Size, or with Mesh under certain Size, &c. ; 21.
- Penalty on throwing noxious Materials into Water for Purpose of taking or injuring Salmon ; 22.
- Penalty on having in possession Fry of Salmon, &c., or Salmon caught during Close Season ; 23.
- Illegal Nets and Engines to be destroyed, and illegal Dams, &c. to be removed ; 24.
- Court may award Costs on Indictment or Information for Nuisances to Rivers ; 25.
- Offences on a River forming a Boundary how to be cognisable ; 26.
- Recovery of Penalties ; 27.
- Justices may grant Warrants for apprehending Offenders ; 28.
- Penalties may be sued for ; 29.
- Form of Conviction ; 30.
- Persons convicted under this Act not to be prosecuted under any other ; 31.
- Appeal ; 32.
- Limitation of Actions and other Proceedings ; 33.
- Saving for ancient Weirs on Rivers ; 34.
- Not to affect present Modes of fishing ; 35.
- Or Provisions of any local Act ; 36.
- Or Rights of Manors ; 37.
- Or of Corporations ; 38.
- Or of private Persons ; 39.
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(Ireland.) (No. 2.)

A

B I L L

FOR

The Improvement of the Irish Fisheries.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS the Improvement of the Irish Fisheries is an Object of the most essential Importance to the Wealth and commercial Prosperity, as well as to the Naval Strength, of the United Kingdom of Great Britain and Ireland; for the Attainment of which it is expedient to relieve the Persons engaged in the said Fisheries from all novel and undue Restrictions and Burdens, and to replace them on an Equality in that Behalf with Persons engaged in the Fisheries of England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

*Passed 4th.
See 46 G. 3.
c. 110. and
29 G. 3. c. 109.*

- I. The several Acts herein-after mentioned; (that is to say,) An Act passed in the Sixth Year of the Reign of Her Majesty, Chapter One hundred and six, intituled "An Act to regulate the Irish Fisheries;"
- 15 An Act passed in the Eighth Year of Her Majesty, Chapter One hundred and eight, intituled "An Act to amend an Act of the Sixth Year of Her present Majesty, intituled 'An Act to regulate the Irish Fisheries,' and to empower the Constabulary Force

*Repeal of
Irish Sta-
tutes:
5 & 6 Vict.
c. 105.*

*7 & 8 Vict.
c. 108.*

A

" Force

657.

- " Force to enforce certain Provisions respecting the Irish
" Fisheries ;"
- 8 & 9 Viet.
c. 108. An Act passed in the Ninth Year of Her Majesty, Chapter One
hundred and eight, intituled " An Act for the further Amendment
" of an Act of the Sixth Year of Her present Majesty, for regu- 5
" lating the Irish Fisheries ;"
- 8 & 10 Viet.
c. 114. An Act passed in the Tenth Year of Her Majesty, Chapter One
hundred and fourteen, intituled " An Act for the further Amend-
" ment of an Act of the Sixth Year of Her present Majesty, for
" regulating the Irish Fisheries ;" 10
- 11 & 12 Viet.
c. 92. An Act passed in the Twelfth Year of Her Majesty, Chapter Ninety-
two, intituled " An Act for the Protection and Improvement of
" the Salmon, Trout, and other Inland Fisheries of Ireland ;"
- 13 & 14 Viet.
c. 88. And also an Act passed in the Fourteenth Year of Her Majesty,
Chapter Eighty-eight, intituled " An Act to amend the Law 15
" relating to Engines used in the Rivers and on the Sea Coast of
" Ireland for the taking of Fish ;"
- See 5 & 6
Viet. c. 106.
c. 101. shall be and are hereby repealed, save and except as to any Offences,
Penalties, or Matters committed, incurred, or done, or which may be
committed, incurred, or done, against or under the Provisions of the 20
said Acts or any of them before the passing of this Act, all which
Offences shall be dealt with, considered, and punished, and all such
Penalties levied, and all such Matters deemed good, valid, and effectual,
to all Intents and Purposes as if this Act had not been passed.
- No Acts re-
pealed by
5 & 6 Viet.
c. 106, but
such as are
therein spe-
cially men-
tioned.
- II. Provided always, That no Enactment, Public and General or 25
Local and Personal, shall be deemed to have been repealed by the said
Act of the Sixth Year of Her Majesty, except such as are therein
specifically enumerated and designated by their respective Titles and
the Years of the Reigns in which they were respectively passed.
- Saving
Rights in
Oyster and
Bait Beds
made under
the repealed
Acts.
- III. Provided also, That all Rights, Interest, and Property in any 30
Oyster Bed or Bait Bed formed, planted, laid, or made on the Shores
of the Sea or of any Estuary, before the passing of this Act, in con-
formity with the Provisions of the said Acts hereby repealed, shall
continue and be in all respects as if the said several Acts had remained
in full Force and Effect. 35
- IV. Provided also, inasmuch as it may be inexpedient to disturb
Interests created or supposed to be created by the said Acts, and the
said Act of the Sixth Year of Her Majesty recited and enacted as
follows :
- 5 & 6 Viet.
c. 106, c. 18.
Persons
possessed of
a Several
- " And whereas Doubts exist with respect to the Right to use 40
" Stake Weirs and Stake Nets, Bag Nets, and other fixed Nets for
" the Purpose of catching Salmon in the Sea and Tideways along the
" Coast

- " Coast of Ireland, and it is necessary to define and declare such
 " Right: Be it therefore declared and enacted, That it shall and may
 " be lawful for any Person legally possessed of or entitled to any
 " several Fishery in or along any Estuary or Part of the Sea Coast in
 5 " Ireland, to fix or erect, or authorize and empower any Lessee or
 " Assignee to fix or erect, within the Limits and Bounds of such
 " Fishery, but subject to the Provisions of this Act and such Regu-
 " lations and Restrictions as may be made by the said Commissioners
 " pursuant to the Powers herein-after reserved to them, any Stake
 10 " Weir, Stake Net, Bag Net, or other fixed Net for the taking of
 " Salmon: Provided always, that the placing or erection of such
 " Stake Nets or other fixed Nets as aforesaid shall not give or confer
 " any Right or Title to the Occupancy of the said Shore (except for
 " the Purpose of attaching the said fixed Nets thereto); saving to the
 15 " Queen's most Excellent Majesty, and all the Subjects of this Realm,
 " the free and full Exercise and Enjoyment of all other Rights of
 " Fishing or other Rights whatsoever in or along the said Sea Shore
 " or Coast on the Shore of such Estuary as aforesaid, subject to the
 " Provisions herein contained:
- 20 " And be it enacted, That it shall and may be lawful for every Per-
 " son who shall hold and occupy as Tenant in Fee Simple or in Fee
 " Tail, or as Tenant for Life, or as Tenant under any Lease for a
 " Life or Lives, or as Tenant for a Term of Years, of which not less
 " than Fourteen Years shall be unexpired at the Time of first erecting
 25 " such Net, any Land adjoining the Sea Shore or any Estuary, not
 " being within the Limits of any such several Fishery, but subject to
 " the Provisions of this Act, and to such Regulations and Restrictions
 " as may be made by the said Commissioners as aforesaid, to fix or erect
 " such Stake Net or other fixed Nets as aforesaid attached to that Part
 30 " of the Shore adjoining such Land: Provided always, that no Tenant
 " under any Lease for a Life or Lives, determinable, or for Years, of
 " which less than One hundred shall be unexpired, shall be em-
 " powered to fix or erect such Stake Nets or other fixed Nets as
 " aforesaid, without the previous Consent in Writing of the Chief
 35 " Landlord or Lessor seized of any Rent and Reversion in such
 " Land; and provided also, that the placing or Erection of such Stake
 " Nets or other fixed Nets as aforesaid shall not give or confer any
 " Right or Title to the Occupancy of the said Shore (except for the
 " Purpose of attaching the said fixed Nets thereto during such
 40 " Occupancy of the Land as aforesaid); saving to the Queen's most
 " Excellent Majesty, and all the Subjects of this Realm, the free and
 " full Exercise and Enjoyment of all other Rights of Fishing or other
 " Rights whatsoever in or along the said Sea Shore or Coast, or the
 " Shore of such Estuary as aforesaid, subject to the Provisions
 45 " herein contained:

Fishery em-
 powered to
 erect Stake
 and other
 fixed Nets for
 taking Sal-
 mon in any
 Estuary, &c.

Proprietors
 and Lessees
 of Lands ad-
 joining Sea
 Coast em-
 powered to
 erect fixed
 Nets where
 no several
 Fishery
 exists.

Proviso.

Saving of
 the Right of
 the Crown
 and all other
 Persons to
 the Use of
 the Shore.

That nothing herein contained shall be construed to render illegal any Stake Weir, Stake Net, Bag Net, or other fixed Net for the taking of Salmon, fixed or erected between the *Truth Day of August One thousand eight hundred and forty-two* and the passing of this Act, by the Persons and in the Places and Manner designated and required by the Provisions of the said several Acts herein-before repealed and otherwise in conformity therewith, and now fixed, erected, and maintained in conformity therewith, nor to legalize the same; but all Questions that may arise respecting the same shall be determined in all respects as if the said several Acts had remained in full Force and Effect.

Limits of this Act.
See, as to Deep Sea and Coast Fisheries, 9 & 10 Vict. c. 79, the Operation of which in Ireland is suspended merely by a Minute of the Board of Trade.

V. The Limits Seaward of this Act shall not extend beyond so much of the Coast as is within the Distance of *Three* Geographical Miles (of which Sixty make a Degree of Latitude), which Distance shall be reckoned from Low-water Mark, except in Bays the Mouths of which do not exceed *Ten* such Geographical Miles in Width; and for such Bays shall be reckoned from a straight Line drawn from Low-water Mark off One Headland to Low-water Mark off the other Headland of such Bays respectively.

Retiring Pension for Commissioners of Irish Fisheries.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury to pay to each of the existing Commissioners of the Irish Fisheries during his Life such Retiring Pension as may not exceed in Amount his present Salary, such Retiring Pension to be paid out of any Money which may be hereafter voted for that Purpose.

Revival of s. 38, of 49 G. 3. c. 109.
It shall be lawful for the Inhabitants of the United Kingdom to fish on the Coasts and in the Creeks, Bays, &c. of Great Britain and Ireland, and to use all Ports, Harbours, &c.

VII. And whereas the said Act of the Sixth Year of Her Majesty repealed an Act passed in the Parliament of the United Kingdom in the Fifty-ninth Year of the Reign of King George the Third, intitled "An Act for the farther Encouragement and Improvement of the Irish Fisheries;" and it is expedient to revive so much of the latter Act as enacted that "it shall and may be lawful for the Inhabitants of the United Kingdom of Great Britain and Ireland, at all Times and Seasons of the Year, when they shall think proper (subject nevertheless to the several Regulations contained in this Act), freely to fish for, take, and buy from Fishermen, and cure any Herrings, Mackerel, Cod, and Lyng or other Sorts of Fish in all and every Part of the Seas, Creeks, and Bays, wherever such are to be found or can or may be taken, on the Coasts of Great Britain and Ireland, save only in such Places as may be reserved by the Superintendents or by Order of the Commissioners of the Irish Fisheries, for the Preservation of the Fry and for the better Order and Regulation of the Fishery; and that no Person or Persons" (except

(except such Superintendent) shall under any Pretence whatsoever
 presume to obstruct or hinder any Person or Persons from fishing in
 the Places aforesaid; nor shall any Person presume to demand or
 receive any Dues, Sums of Money, or other Consideration whatso-
 ever from the Inhabitants of the United Kingdom for the Use of
 any Ports, Harbours, or waste Shores on the Coasts of Ireland,
 except for the Payment of such Harbour or Pier Dues as are and
 by Law ought to be demanded for Ships, Vessels, and Boats in
 Piers and Harbours which are built and artificially made; and that
 every Person or Persons so offending shall for every such Offence
 forfeit the Sum of Twenty Pounds, to be recovered and levied and
 applied as other Forfeitures are herein-after directed to be levied,
 recovered, and applied: Provided always, that nothing herein con-
 tained shall be construed to extend to the giving a Power to enter
 upon or use the Demesne Grounds, Gardens, or Park of any Person
 without Leave having been previously obtained: Such Enactment
 shall be and is hereby revived and in full Force and Effect, except and
 provided always, that the Penalty therein mentioned shall be recover-
 able by such Ways and Means as other Penalties herein-after mentioned
 shall or may be recoverable.

VIII. And whereas the said Act of the Sixth Year of Her Majesty
 repealed "so much of an Act passed in the Parliament of Ireland in
 the Twenty-eighth Year of the Reign of King Henry the Eighth,
 intituled 'An Act for the Weirs upon the Barrow and other Waters
 in the County of Kilkenny,' as relates to the destroying of Salmon
 Fry therein;" and it is expedient to revive the Parts so repealed:
 The same shall be and are hereby revived and in full Force and
 Effect.

IX. And whereas the said Act of the Sixth Year of Her Majesty
 also repealed "so much of an Act passed in the said Parliament in
 the Fifth Year of the Reign of King George the Second, intituled
 'An Act for explaining and amending an Act made in the Twenty-
 eighth Year of the Reign of King Henry the Eighth, intituled An
 Act for the Weirs upon the Barrow and other Waters in the
 County of Kilkenny,' as relates to Fishermen or Apprentices
 fishing in navigable Rivers or Waters," and the Part so repealed
 is as follows: "Provided always, that this Act or anything herein
 contained shall not extend or be construed to extend to prevent any
 Fisherman or his Apprentice or Apprentices, lawfully authorized,
 from fishing in navigable Rivers or Waters with lawful Nets and
 Engines, but that every of them shall and may, according to the
 Laws and Orders made and to be made and settled for the good
 Order, Rule, and Government of such navigable Rivers and Waters,

657.

A 3

"use

Revival of
 Part of
 28 H. 8, c. 22,
 (Irish and
 Local), re-
 lating to the
 Destruction
 of Salmon
 Fry in Weirs
 upon the Bar-
 row, Narro,
 Stair, and
 Rye.

Revival of
 Sect. 3, of
 5 G. 2, c. 11,
 (Irish and
 Local).

Copied from
 4 & 5 W. & M.
 c. 23, s. 5, (G.)
 also embodied
 in 17 & 18 G. 3,
 c. 19, s. 18, (L.)
 repealed by
 5 & 6 Vict.
 c. 102.

Fishermen
 or their Ap-
 prentices
 may use
 lawful Nets
 and Engines
 on navigable
 Rivers and
 Waters.

" use the Trade of Fishing as they lawfully might have done before
 " the making of this Act, anything in this Act contained to the
 " contrary notwithstanding;" and it is expedient to revive the same:
 The same shall be and is hereby revived and in full Force and
 Effect.

Revival of
 10 C. 1.

stat. 2, c. 34

This Act is

repealed from

1711 to 43, (E.),

except that the

particular

Counties and out-

lets, of course,

different; and

that the Recital

of 17, 1, c. 33,

states that the

Act was had

been brought,

not merely

discontinued.

X. And whereas the said Act of the Sixth Year of Her Majesty
 also repealed an Act passed in the Parliament of Ireland in the Tenth
 Year of the Reign of King Charles the First, intituled " An Act for
 " the better Preservation of Fishing in the Counties of Dublin, Wick-
 " low, Wexford, Waterford, Cork, Kerry, Clare, Galway, Mayo, 10
 " Sligo, and all other Counties and Places within the Realm of Ireland
 " and the Dominions thereof adjoining to the Sea Coast, and for the
 " Relief of Balkers, Condors, and Fishermen against malicious Suits;"
 and which was in the Words following:

" Whereas the Trade of Fishing for Herrings, Pilchards, and Sean 15
 " Fish within the Counties of Dublin, Wicklow, Wexford, Waterford,
 " Cork, Kerry, Clare, Galway, Mayo, Sligo, and of other Counties
 " and Places within the said Realm of Ireland and the Dominions
 " thereof adjoining to the Sea Coast is and of late Time hath been very
 " great and profitable, as well to divers of the Fishermen as other His 20
 " Majesties Subjects within this Realm of Ireland and the Dominions
 " thereof: And whereas also for the necessary Use of the taking of the
 " said Herrings, Pilchards, and other Sean Fish divers Persons within
 " the said Counties, called Balkers, Huors, Condors, Directors, or
 " Guidors, at the Fishing Time for the said Herrings, Pilchards, and 25
 " other Sean Fish within the said Counties and Places Time out of
 " Mind have used to watch and attend upon the high Hills and
 " Grounds near adjoining to the Sea Coasts within the said Counties
 " and Places, for the Discovery and giving Notice to the Fishermen
 " and Inhabitants near adjoining when the said Herrings, Pilchards, 30
 " or Sean Fish come towards or near the Sea Coasts there: and for the
 " guiding and directing of the Fishermen in their Boats upon the Sea
 " Coasts for the taking of the said Herrings, Pilchards, and other Sean
 " Fish: And whereas also now of late divers Persons having Lands,
 " Tenements, and Hereditaments near adjoining to the Sea Coasts 35
 " within the said Counties or other Places where the Fishing Places for
 " the taking of the said Herrings, Pilchards, and other Sean Fish are,
 " have threatened to bring their Actions of Trespass at the Common
 " Law or other Suits, as well in the High Courts of Record at Dublin as
 " in inferior Courts within the said Counties, not only against such 40
 " such Balkers, Huors, Condors, Directors, and Guidors, but also against
 " such Fishermen and other Persons for breaking of their Close as
 " have attended their Seans or Nets, for the drawing and carrying of
 " the said Fish on Land or Shore, by reason whereof such Watchmen,
 " Balkers,

" Balleors, Huors, Condors, Directors, and Guidors, and such other
 " Persons as heretofore have attended the said Seams and Fishing,
 " have forbore to enter into or go upon the Lands, Tenements, and
 " Hereditaments near adjoining to such Fishing Places within the said
 5 " Counties and Places for the watching or Discovery of the said Her-
 " rings, Pilchards, and other Sean Fish, or to halke, hae, cond, or
 " direct, or to attend to the Seams or Nets as heretofore they have
 " doue, and will likewise forbear the same hereafter, if Provision be
 " not had and made that they may lawfully enter into and upon such
 10 " Lands, Tenements, and Hereditaments, as doe lye near and adjoining
 " to the said Sea Coasts and Places of Fishing as aforesaid, for
 " their watching, balking, directing, and attending of the Seams as is
 " aforesaid: For Remedy whereof, and for the Maintenance of the
 " said Trade of Fishing, which doth so greatly tend to the Profit of
 15 " many of the Inhabitants within the said Counties, and others, be it
 " therefore enacted and declared by our Sovereign Lord the King,
 " the Lords Spiritual and Temporal, and the Commons, in this present
 " Parliament assembled, That it is, shall, and may be lawful at all
 " Times hereafter to and for every such Watchmen, Balleors, Huors,
 20 " Condors, Directors, and Guidors, and all such Fishermen and other
 " Persons as shall necessarily attend the said Seams or Nets as afore-
 " said at the Times of fishing for Herrings, Pilchards, and other Sean
 " Fish, within the said Counties and Places where such Fish shall be
 " hereafter taken, to enter and go into and upon any Lands, Tene-
 25 " ments, and Hereditaments which do lye or adjoyne near unto any
 " such Fishing Places, fit, convenient, and necessary to watch and
 " halke in or to draw or carry the said Fish on shore, and there to
 " watch for the said Fish, and to halke, hae, conde, direct, and guide
 " the said Fishermen which shall be upon the said Sea and Sea Coasts
 30 " for the taking of the said Fish, and to draw and carry the said Fish
 " on Land or Shore, any Law, Usage, or Custom to the contrary in
 " anywise notwithstanding:

" And be it further enacted by the Authority aforesaid, That if
 " any Action of Trespass or other Suit shall at any Time hereafter
 35 " happen to be attempted and brought against any Person or Persons
 " for entering or going on the Lands for watching of the said Fish,
 " or for balking, huing, conding, directing, or guiding of the said
 " Fishermen in their Boats upon Sea or Sea Coast, for taking of the
 " said Fish, or for landing of the said Fish as aforesaid by Authority
 40 " of this present Act, the Defendant and Defendants in any such
 " Action or Suite shall and may plead Not guilty for anything done
 " by virtue of this Act; and upon the Trial of that Issue the whole
 " Matter to be given on both Parties in Evidence according to the
 " very Truth of the same; and after such Issue tried for the Defen-
 45 " dant or Defendants, or Nonsuit of the Plaintiff or Plaintiffs after

Fishermen,
 &c. may enter
 on the Lands
 upon the Sea
 Coasts ad-
 joining the
 Fishing
 Places, and
 there watch,
 guide, &c.
 and draw
 the Fish on
 shore.

And if Tres-
 pass brought
 may plead
 Not guilty,
 and give the
 whole in
 Evidence,
 and upon
 Nonsuit, &c.
 recover Dam-
 ages with
 Costs to be
 assessed by
 some Jury
 or Writ of
 Inquiry, for
 which such
 Execution
 as for De-
 fendant is
 Roplevis.

" Appearance, the same Defendant or Defendants to recover his or
 " their Damages by reason of his or their wrongful Vexation in that
 " Behalf, with Costs also in that Behalf sustained, and that to be
 " assessed by the same Jury that shall try the said Issue, or else by
 " Writ to enquire of Damages as the Case shall require, for which
 " Costs and Damages such Defendants shall and may by virtue of
 " this Act take and sue forth such Execution as the Defendant in a
 " Replevin may do :"

And it is expedient to revive the said Act : The same shall be and
 is hereby revived and in full Force and Effect.

Revised of
 Part of
 10 C. 1.
 sess. 3, c. 14.
 (4.)

No Person
 shall take
 Salmon with
 Stop Net,
 Still Net, or
 Standing
 Net.

Offenders to
 forfeit 40s.,
 the Fish,
 Nets, &c.

Forfeiture
 how divided.

By whom
 said Offences
 determined,
 and how
 punished.

XI. And whereas the said Act of the Sixth Year of Her Majesty
 repealed another Act passed in the Parliament of Ireland in the Tenth
 Year of King Charles the First, and in the Third Session of such
 Year, Chapter Fourteen; and it is expedient to revive so much thereof
 as recites that "great Hurt and daily Inconveniences have and do
 " ensue to all the King's Subjects of this Realm by the greedy Appete
 " tites and insatiable Desire which sundry of them occupying Fishing
 " have used by taking and killing the young Spawn, Fry, or Brood of
 " Eels and Salmon, as well in salt Rivers as in fresh Rivers, Loghes,
 " Plashees, Fences, and Marshes in many Parts of this Realm, as also
 " setting of Stop Nets, Still Nets, and Standing Nets fixed upon Posts
 " or otherwise in the Rivers where the Salmon should pass up from the
 " Sea, to the great Hindrance and Prejudice of the Commonwealth of
 " this Realm," and enacts, "that no Manner of Person or Persons
 " shall use or set, or take any Salmon with any such Stop Nets, Still
 " Nets, or Standing Nets; and if any Person or Persons offend in any
 " of the Points before rehearsed contrary to the Tenour, Form, and
 " Purport of any Part of the same, then every such Person or Persons
 " so offending shall loose and forfeit for every Time of his or their
 " such Offence the Sum of Forty Shillings, and the Fish, and also the
 " unlawful Nets and other unlawfull Engines or Devices, whatsoever
 " they be, made, kept, or used for setting out of the said Stop Nets,
 " or taking the said Salmon therewith, the One Half of the said For
 " feiture shall be to the King's Highness, His Heirs and Successors,
 " and the other Half shall be to him that will sue for the same by
 " Action of Debt, Bill, Plaint, or otherwise, in any Court of Record
 " within this Realm; and that the Justices of Assizes, and also the
 " Justices of the Peace in every Assize and Quarter Sessions within
 " this Realm, shall have full Power and Authority by virtue of this
 " present Act, by way of Indictment or otherwise, not only to enquire
 " of and upon Defaults and Offences committed contrary to the
 " Tenor and Effect of this present Act, but also to hear and deter
 " mine the same, and to inflict due Punishment for Reformation
 " thereof, by Fine, Imprisonment, or otherwise, according to the
 " Tenor

"Tenor of this Act, from Time to Time as often as the Case shall require in every Behalf:" The same shall be and is hereby revived and in full Force and Effect.

XII. And whereas the said Act of the Sixth Year of Her Majesty also repealed another Act passed in the said Parliament of Ireland in the Twenty-sixth Year of the Reign of King George the Third, Chapter Fifty: and it is expedient to revive the Eighth, Ninth, Tenth, and Eleventh Sections thereof, which are respectively as follows:—

- 10 "And whereas Doubts have arisen on the Construction of the Clause in the Act passed in the Twenty-third and Twenty-fourth Years of His Majesty's Reign, for the Improvement and Protection of the Inland Fisheries, as to the Right or Title which may be pleaded to prevent the pulling down or widening the King's Gap or Share of any Weir or Weirs now built or erected on any River in this Kingdom for the Purposes of taking Salmon or other Fish contrary to the Intent and Meaning of said Act: Be it enacted by the Authority aforesaid, That so much of the said recited Act as imposes a Penalty of Twenty Pounds on every Proprietor of any Weir erected contrary to Law, for every Day that it shall be continued after Notice given to such Proprietor to abate the same, to be recovered by Civil Bill, shall be and is hereby repealed; and that if any Person hath unlawfully erected or kept up, or shall unlawfully erect or keep up any Weir upon any River in this Kingdom, and a Notice shall be served in Writing upon the Proprietor or Occupier of such Weir, or his known Agent, by the Proprietor of any Grounds on the Banks of such River on which such Weir has been or shall be erected, requiring him to prostrate or open the same within the Space of Thirty Days from the Service of such Notice, if such Proprietor or Occupier of such Weir shall not within that Time abate or prostrate the same, he shall forfeit a Sum of Fifty Pounds, together with Costs of Suit, to be recovered by Action of Debt in any of His Majesty's Courts of Record in Dublin, One Moiety thereof to be to the Use of the Person who shall sue for the same, and the other to the Use of the Infirmary of the County in which such Weir has been or shall be unlawfully erected or kept up:
- 25 "And be it further enacted by the Authority aforesaid, That if the said Proprietor or Occupier of such Weir shall not within the Space of Seven Days after Judgment shall be given against him in such Action abate or prostrate such Weir, it shall and may be lawful for any Person or Persons to abate and prostrate the same:
- 40 "Provided always, That nothing herein contained shall be construed to extend to the prostrating of any Weir or Weirs of which the Proprietor

Repeal of
as 8. to 11. of
28 G. 3. c. 50.

Doubts as to
23 & 24 G. 3.
c. 40. s. 12.
repealed.

Persons
unlawfully
erecting, or
keeping up
any Weir
after Notice
given as
before, for-
feit 50*l*. with
Costs of Suit.

If continued
for Seven
Days after
Judgment,
any Person
may pro-
strate it.

Not to ex-
tend to Weirs
herein men-
tioned.

" Proprietor or Proprietors have had an uninterrupted Possession for
 " a Space of Thirty-one Years, or who hold said Weir or Weirs by a
 " Patent or Charter Grant; and saving to all Persons and Bodies
 " Corporate their free Tenement, and all Rights and Remedies for the
 " asserting thereof, to which they were entitled by the Laws of this
 " Realm before the passing of this Act :

No Right bas
 ne by Law.

" Provided always, That nothing herein contained shall be construed
 " to give any Right whatsoever to any Person to erect or maintain
 " any Weir, but such as the Laws now in being give :"

The said several Sections shall be and are hereby revived and in full
 Force and Effect.

For the better Preservation of the young Brood, Fry, and Spawn of
 Fish which have been heretofore much destroyed on the Coasts, Shores,
 and Arms of the Sea, and in Havens, Harbours, Creeks, Estuaries,
 Rivers, Lakes, Streams, and Waters, salt and fresh, of Ireland, to the
 great Damage and Hurt of Fishermen, and Hindrance of the public
 Welfare, be it enacted as follows :

1 Eliz. c. 17.
 (E).

3 J. 1. c. 12.
 (E).

1 G. 1. stat. 2.
 c. 18. (E).

58 G. 3. c. 45.
 (E).

Forfeiture
 for setting
 up a weir

Weir on the
 Sea Shore,
 &c. or for de-

stroying
 Spawn or Fry
 of Sea Fish

therein,
 3 J. 1. c. 12.
 c. 1.

3 J. 1. c. 12.
 ss. 1 & 2.

1 G. 1. stat. 2.
 c. 18.

Meskes of
 Nets on the
 Sea Coast to
 be One Inch
 and a Half
 from Knot
 to Knot; and
 be so con-

strived as not
 to destroy the
 Fry of Fish ;
 or have any
 false or
 double Bot-

tom, &c.;
 or be placed
 one behind
 another.

XIII. No Person shall erect or set up any new Weir along the Sea
 Shore, or in any Haven, Harbour, or Creek, or within *Five Miles* (within
 the Limits of this Act) of the Mouth of any Haven, Harbour, or Creek,
 or shall willingly take, destroy, or spoil any Spawn, Fry, or Brood of
 any Sea Fish in any Weir or other Engine or Device whatsoever,
 under the Penalty of forfeiting for every Time so erecting, setting up,
 taking, destroying, or spoiling contrary to this Act, the Sum of *Ten*
Pounds.

25

XIV. No Person shall in any Haven, Harbour, or Creek of the
 Sea, or within *Five Miles* of the Mouth of any Haven, Harbour, or
 Creek, or upon any Part of the Coast of Ireland within the Limits of
 this Act, fish with or use any Trawl Net, Draw Net, Drag Net, or Set
 Net whatsoever for the catching of any Kind of Fish (except Her-
 rings, Pilchards, Mackerel, Smelts, Wilks, Shrimps, Prawns, Speats,
 Lavidnians, or other like small Fish or Shell Fish), which hath any
 Mesh or Moke of less Size than One Inch and a Half Square, mea-
 sured from Knot to Knot along the Line (allowing Four Knots to
 each Mesh) or Six Inches in the Round, Girth, or Scantling, or with
 any Net with Canvas or other Engine or Device, whereby the Spawn,
 Fry, or Brood of Sea Fish may be destroyed, or any Net which hath
 any false or double Bottom, Cod, or Pouch, or shall put any Net or
 Nets, though of legal Size or Mesh, upon or behind another or others
 in order to catch or destroy the small Fish which would have passed
 through any single Net of the prescribed Dimensions, under the
 Penalty

Penalty of forfeiting for every Offence every such Net, and also any Sum of Money not less than *Ten Shillings* nor more than *Twenty Pounds*.

- XV. No Person shall from the *First Day of March to the last*
 5 *Day of September* yearly drive or put any Hog or Pig, or let, permit, or suffer his Hog or Pig to go or be set, put, or driven to feed upon any Strand in any Place where the Sea doth usually ebb and flow, under the Penalty of forfeiting for every Offence any Sum not less than *Five Shillings* nor more than *Five Pounds*.
 11 *Eliz. 1088*
 3. c. 4. (1.)
 From the 1st
 March to the
 30th Sept.
 no hogs
 shall be put
 or permitted
 to feed upon
 any Strand
 where the Sea
 ebbs or flows.
 1 *Eliz. c. 17.*
 ss. 1 & 2.
 None shall
 take the Fry
 of Eels or
 any Trout
 under a
 certain Size.
 a. 8.
- XVI. No Person shall at any Time, by any Ways or Means, take and kill any young Brood, Spawn, or Fry of Eels, or of any other Fish, or any Trouts not being in Season, being Kepper or Shedder Trouts, or not being in Length *Eight* Inches or more, under the Penalty of forfeiting for every Offence the Sum of *Twenty Shillings*,
 15 and the Fish so taken, and the Nets, Engines, Devices, and Instruments wherewith the Offence shall be committed.
- XVII. It shall be lawful for the Justices of the Peace assembled at any General or Quarter Sessions of the Peace from Time to Time to appoint Conservators or Overseers for the Preservation of Salmon and
 20 Salmon Trout, and Fish of the Salmon Kind, and the Brood, Spawn, and Fry thereof, and preventing the Destruction thereof, and enforcing for that Purpose the Provisions of this Act within the Limits of the Jurisdiction of such Justices, and within the Limits of which they shall be so appointed.
- XVIII. It shall be lawful for the Justices of the Peace acting for the several Counties at their several Quarter Sessions of the Peace, and they are hereby required at the Request of any Person, such Person having first given Notice in some Newspaper usually circulated within the County of his Intention to apply to the said Quarter Sessions in
 30 that Behalf, to fix certain Days, not exceeding *One hundred and fifty* Days in each Year for each River and its tributary Streams within their respective Counties, to be Fence Days for the several Rivers respectively, during which Time it shall not be lawful for any Person whatever to take, kill, or destroy, or attempt to take, kill, or destroy
 35 any Salmon or Salmon Trout, or Fish of the Salmon Kind, or any Brood, Spawn, or Fry of such Fish; and the said Justices are hereby further empowered at any General Quarter Sessions to vary annually the Number of such Days, and the Periods at which they shall commence, as they shall think fit.
14. a. 2.
 And to fix
 Periods in
 which Sal-
 mon shall not
 be taken.

Mode of
fixing Fence
Days as to
Parts of
Rivers
between or
forming
Boundary of
Two adjoining
Counties.
6 & 7 Vict.
c. 33. s. 3.

XIX. Whosoever the Course of any River to which the Provisions of this Act apply shall run between or form the Boundary of Two adjoining Counties it shall be lawful for the Justices of the Peace acting for either of such Counties at their Quarter Sessions of the Peace, upon the Refusal or Neglect of the Justices of the Peace acting for such other adjoining County to fix certain Days according to the Provisions of this Act to be Fence Days for such Part of any such River, themselves to fix certain Days as Fence Days, during which it shall not be lawful for any Person or Persons whatsoever to take, kill, or destroy, or attempt to take, kill, or destroy any Salmon, Salmon Trout, or Fish of the Salmon Kind, or any Brood, Spawn, or Fry of such Fish, in any Portion of such River as runs between or forms the Boundary of such Two Counties.

If Justices of
any such
Two Counties
cannot agree the
Justices of
next adjoining
County to fix the
Days.
Id. s. 4.

XX. In case the Justices of the Peace acting for such Two adjoining Counties should not fix the same Days as Fence Days for 15 such Part of any River as runs between or forms the Boundary of the Two Counties, the Clerk of the Peace for each County respectively shall give Notice to the Clerk of the Peace of the County next adjoining through which the lower Course of the River shall entirely pass, or if there shall be no such County then to the Clerk of the Peace of 20 the County next adjoining through which the upper Course of the River shall entirely have passed, of the Days which have been proposed as Fence Days by the Justices of the Peace for such Two adjoining Counties as aforesaid; and it shall thereupon be lawful for the Justices of the Peace acting for such next adjoining County 25 through which the Course of the River shall entirely pass or have passed, as the Case may be, and they are hereby required at their next Quarter Sessions to fix certain Days as Fence Days for any Part of such River as runs between or forms the Boundary of such adjoining Counties: Provided always, that the first of such Fence 30 Days shall be some Day between the Days proposed by such adjoining Counties for the Commencement of such Fence Days, and the last of such Days shall be a Day between the Days proposed by the said adjoining Counties for the Determination of such Fence Days.

1 G. 1. stat. 2.
c. 18. s. 14.
1 Eliz. c. 17.
20 C. 2.
stat. 1. c. 9.
Against taking
the Fry of salmon or
Salmon under
18 Inches
long at any
Time;
or erecting
any Dam,
Stank, or

XXI. No Person shall at any Time hereafter lay or draw any 35 Kind of Nets, Engines, or Devices, or wilfully do or commit or cause to be done or committed any other Act whatsoever, in any River whereby the Spawn, Brood, or small Fry of Salmon, or any Kepper or Sheddier Salmon, or any Salmon not being in Length *Eighteen Inches* or more from the Eye to the Extent of the Middle of the Tail, shall be 40 taken and killed or destroyed, or make, erect, or set any Bank, Dam, Hedge, or Stank, Net or Nets across any River, or any Part thereof, whereby the Salmon therein may be taken or hindered from passing or going

going up such River to spawn; or fish in any River for Salmon with any Net whereof every Mesh, Mask, or Moke shall not be at the least Two Inches and a Half square, measured from Knot to Knot along the Line (allowing Four Knots to each Mesh), or Ten Inches in the Round, Girth, or Scantling; or shall at any Time during the Close Season in any River, by or with any Net, Device, Engine, Ways, or Means whatsoever, take, kill, destroy, or wilfully hurt any Salmon of any Kind or Size whatever in such River, under the Penalty of forfeiting for every such Offence any Sum not less than *Ten Shillings* nor more than *Five Pounds*, besides the Fish so taken and the Nets, Engines, and Devices used in doing or committing the same.

Net across any River; or fishing for Salmon with a Net of less Mesh than Two Inches and a Half square.

XXII. If any Person shall at any Time hereafter pursue, take, kill, or destroy, or seek or endeavour to take, kill, or destroy, pursue, hurt, or injure any Salmon or Salmon Trout, or Fish of the Salmon Kind, by laying or using any hot Lime, or Filth or Material or Drug or Weed pernicious to Fish, or using any Water in which any Green Lint or Flax has been steeped, or letting off stagnated Water or any Water impregnated with any Material or Drug or Weed pernicious to Fish, or if any Person shall use or employ any such Means as aforesaid, or use any Fire or Light or White Object, or lay down any Kind of Net, Engine, or Device, or wilfully do or commit or cause to be done or committed any Act whatsoever in any River, Water, Rivulet, Stream, Milldam, Millshuice, Cutpool, or Pond communicating therewith, for the Destruction of the Brood, Spawn, or small Fry of Salmon therein (Auling excepted); or if any Person shall hereafter make, erect, or set any Bank, Dam, Hedge, or Stank, Net or Nets, or place any Fire or Fires, Light or Lights, or any White Object or Objects, so that the young Fry or young Salmon be prevented from going down from such Rivers, Rivulets, or other Waters communicating therewith as aforesaid, or any of them, every such Person shall for every such First Offence forfeit any Sum not exceeding *Ten Pounds* nor less than *Five Pounds*, and for every Second and subsequent Offence any Sum not exceeding *Fifteen Pounds* nor less than *Ten Pounds*, at the Discretion of the Justice or Justices before whom the Offender shall be convicted, and also forfeiting all the Fish, Spawn, Brood, or Fry so taken, and all the Nets, Weapons, Lincs, Instruments, Boats, Devices, or Things used in the taking thereof.

38 G. 3. c. 43. s. 3. Penalty on Persons destroying Salmon or the Brood, Spawn, or Fry thereof. = 20th is not in the above Act.

XXIII. No Person shall upon any Pretence whatsoever at any Time take, kill, or destroy, or have in his or her Possession either on the Water or on the Shore, or shall bring to Shore, or cry or carry about, sell, offer, or expose to or for Sale, or shall exchange for any Goods, Matter, or Thing, any Spawn, Fry, or Brood of Fish, or any unsizable Fish, or any

1 G. 1. stat. 2. c. 18. s. 7. 38 G. 3. c. 43. s. 4. 6 & 7 Vict. c. 33. s. 7. Penalty on

Persons taking, selling, &c. Spawn, Fry, &c., at any Time, or Salmon during Close Season.
See 13 & 14 Viet. c. 26.

Lawful for any Person to take the Spawn, &c., and deliver the Offender into the Custody of a Constable.

any Kepper or Shedder Salmon being unseasonable Salmon, commonly called old Salmon, or any Salmon or Salmon Trout or Fish of the Salmon Kind caught in any River or any tributary Stream thereof during the Periods when fishing for Salmon or Salmon Trout or Fish of the Salmon Kind is prohibited under the Provisions of any Law now in force, or 5 when the same shall be prohibited by any Order to be made by the Justices at their Sessions or otherwise as herein provided; and it shall be lawful for any Conservator or Overseer thereof, or any other Person under the Authority of this Act, to take and seize all or any such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, wherever 10 the same shall be found, together with all Baskets and Package in which the same shall be so found or taken, and to deliver the Person on whom the same may be found to a Constable or other Peace Officer; and after every such Seizure shall be made the Spawn, Fry, or Brood, or other Fish as aforesaid, together with the Baskets and Package in which 15 the same shall be so seized, shall be delivered into the Hands of some Constable or other Peace Officer, and every such Constable or other Peace Officer is hereby authorized and required to take every such Offender with whom he shall be so charged for any such Offence into his Custody, and also the Spawn, Fry, or Brood of Fish, and such other 20 Fish as aforesaid, and all Baskets and Packages in which the same shall be so seized, and which shall be delivered to such Constable or other Peace Officer as aforesaid, and to carry such Offender and all such Spawn, Fry, or Brood of Fish, and such other Fish as aforesaid, together with the Baskets and Package as aforesaid, which shall have been 25 delivered to any such Constable or other Peace Officer, with all convenient Speed, before some Justice or Justices or Magistrate of the County, City, or Place where the Offence shall be committed, for such Offender to be dealt with according to Law; and on the Conviction of any such Offender or Offenders for any such Offence before any such 30 Justice or Justices or Magistrate as aforesaid, every such Offender shall forfeit all and every such Spawn, Fry, or Brood of Fish, unseasonable Fish, and Fish out of Season which shall be so seized; and all Baskets or Package in which the same shall be so seized; and all such Spawn, Fry, or Brood of Fish, or such other Fish as aforesaid, 35 together with such Baskets and Package in which the same shall have been so seized as aforesaid, shall, by Order of the Justice or Justices before whom the same shall be so brought, be delivered to the Person or Persons who shall have so seized the same and shall prosecute to Conviction any such Offender; and every Offender who shall be so 40 convicted as aforesaid of any such Offence shall besides forfeit and pay for every such Offence any Sum not exceeding *Ten Pounds* nor less than *Five Pounds*.

XXIV. When

XXIV. When any illegal Net of less Mesh, Mask, or Moke than herein prescribed, or any other illegal Engine or Device shall be forfeited, the Justice before whom the Person forfeiting it shall be convicted, shall order it to be seized and immediately cut in Pieces or otherwise destroyed in his Presence; and whenever any Person shall be convicted of having illegally made, erected, or set any Bank, Dam, Hedge, Stank, or Net, the Justice before whom he shall be convicted shall cause such Bank, Dam, Hedge, Stank, or Net to be demolished and removed at the Charges of the Offender, such Charges if not paid down on Conviction to be levied in the same Manner as any Penalty is herein appointed to be levied.

Illegal Nets and Engines to be destroyed, and illegal Dams, &c. to be removed.
1 G. 1. stat. 2. c. 18. ss. 6. 14.

XXV. In the Case of an Indictment or Information for a Nuisance to any River, Creek, Harbour, Haven, Arm of the Sea, or Sea Shore, or tidal or navigable Water, or the Shore, Bank, Soil, or Bed thereof, or to Navigation, Fishery, or the free Passage of Fish, it shall be lawful for the Court before which the Indictment or Information is tried to order and adjudge that the Costs shall follow the Event, and that the Party for whom Judgment shall be given shall be entitled to recover his Costs from the Party, either the Defendant or the Prosecutor as the Case may be, against whom Judgment shall be so given, such Costs to be taxed by the proper Officer of the Court.

13 & 14 Viet. c. 88. (1.) s. 54.
Courts may award Costs on Indictments or Informations for Nuisances to Rivers, &c.

XXVI. Any Offence against the Provisions of this Act committed by any Person whatsoever in such Part of any River as runs between or forms the Boundary of Two adjoining Counties shall be cognizable by any Justice or Justices of the Peace as the Case may require, acting for either One of such Counties.

Offences committed in a River forming a Boundary how to be cognizable,
6 & 7 Viet. c. 33. s. 4.

XXVII. Every pecuniary and other Penalty and Forfeiture by this Act imposed may be sued for, recovered, and adjudged, and every Offence against this Act heard and determined, by and before any One or more Justice or Justices of the Peace or Magistrate for the County, Shire, Division, City, or Place wherein any Offender against this Act shall be or reside, or wherein or near to or on the Coast of which the Offence or Offences shall be committed, by and upon the Oath or Affirmation of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties, which Oath or Oaths, Affirmation or Affirmations, every such Justice of the Peace and other Magistrates aforesaid are hereby authorized, empowered, and required to administer accordingly; and in case any Person who shall be convicted of any Offence or Offences against this Act shall not immediately upon such Conviction pay down the Penalty or Penalties, together with such Costs of Suit or Prosecution in which he, she, or they shall have been so convicted or ordered to pay as aforesaid, into the Hands of the Justice or

Recovery of Penalties.
33 G. 2. c. 43. s. 6.

Justices of the Peace or Magistrate as aforesaid by and before whom
 he or she shall have been so convicted, or other Person by them or any
 of them authorized to receive the same, in order that the same may be
 disposed of and distributed according to the Directions of this Act, it
 shall be lawful for any such Justice or Justices of the Peace or Magis- 5
 trate aforesaid to order any Constable or other Peace Officer to take
 the Charge of and keep in Custody any such Person so convicted; and
 immediately thereupon every such Justice or Justices of the Peace or
 Magistrate is hereby authorized, empowered, and required to grant his
 or their Warrant or Warrants, in due Form of Law, under his or their 10
 Hand and Seal or Hands and Seals, and thereby commit every such
 Offender to the Common Gaol or House of Correction for the County,
 Shire, Division, City, or Place for which such Justice or Justices or
 Magistrates aforesaid shall act, for such Time or Times as herein-after
 mentioned, unless the said Penalty or Penalties and Costs shall respec- 15
 tively be sooner paid; or otherwise such Justice or Justices of Peace
 or Magistrate shall and may grant his or their Warrant or Warrants,
 in due Form of Law, under his or their Hand and Seal or Hands and
 Seals, to levy and recover the said Penalty and Penalties and Costs
 by Distress and Sale of the Offender's Goods and Chattels; and all 20
 Penalties and Forfeitures which shall be so paid or levied as aforesaid
 shall from Time to Time be paid, applied, and disposed of as follows;
 (that is to say,) *One Moiety* thereof to the Informer or Informers, and
 the *other Moiety*, after defraying all Costs, Charges, and Expenses
 attending the Prosecution and the levying and recovering of the 25
 Penalty, to the Guardians of the Poor of the Union where the Offence
 or Offences shall have been committed; and the Overplus of the Money
 levied remaining (if any there be) after any Penalty or Penalties
 and all Costs, Charges, and Expenses attending the levying and re-
 covering thereof are deducted, (which Costs, Charges, and Expenses 30
 shall always be taxed, settled, and ascertained by and before the Justice
 or Justices of the Peace or Magistrate by or before whom any such
 Offender shall be convicted), shall on Demand be returned to the Owner
 or Owners of the Goods and Chattels so distrained; and in case suffi-
 cient Distress or Distresses shall not be found, or such Penalty or 35
 Penalties and Costs shall not be immediately paid, then it shall be
 lawful for any such Justice or Justices of the Peace or Magistrate, and
 he and they is and are hereby respectively authorized, empowered, and
 required for the First Offence to commit every such Offender or Offenders
 to such Gaol or House of Correction as aforesaid for any Time not 40
 exceeding *Four Months* nor less than *Two Months*, for the Second
 Offence any Time not exceeding *Eight Months* nor less than *Six*
Months, and for the Third and every other Offence for any Time not
 exceeding *Twelve Months* nor less than *Eight Months*, there to be kept
 at Hard Labour and be and remain without Bail or Mainprise. 45

XXVIII. It

XXVIII. It shall and may be lawful for any Justice or Justices of the Peace or Magistrate or any of them, and they are hereby required, upon Information being made to him or them upon Oath against any Person or Persons who shall or may offend against anything contained in this Act, to grant his or their Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to apprehend any Person or Persons so offending, and cause such Offender or Offenders to be brought before him or them or some other such Justice or other Magistrate; or it shall and may be lawful to and for any such Justice or Justices or other Magistrates as aforesaid upon any Information made without Oath, to grant his or their Summons or Summonses against the Party charged with any such Offence or Offences, or for any Witness or Witnesses to prove any such Offence or Offences as aforesaid; and if any such Person or Persons, who shall be duly summoned, shall neglect or refuse to appear at the Time and Place appointed by such Summons or Summonses, every such Justice or Justices of the Peace shall and may, upon Oath being made of the Person or Persons being so duly summoned, grant his or their Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to apprehend and bring before him and them or some other such Justice or Magistrate as aforesaid the Party or Parties who shall neglect or refuse to appear after being duly summoned as aforesaid, and such Justice or Justices or other Magistrates aforesaid shall inquire into, hear, and determine the Matter of every such Offence or Offences in a summary Way.

Justices, on receiving Information, may grant Warrants for apprehending Offenders. Id. s. 7.

XXIX. Every pecuniary Penalty and Forfeiture imposed by this Act may be recovered in a summary Manner according to the Provisions of this Act, or may be sued for and recovered, together with full Costs of Suit, by and to the only proper Use and Behoof of any Person who shall inform or sue for the same in any of Her Majesty's Courts of Record at Dublin, by Action of Debt, Plaint, or Information, or by Civil Bill in the Court of the Assistant Barrister for the County, Division, or Place where the Offence shall be committed, subject to the like Appeal to the Judges of Assize as in all other Cases.

Penalties may be sued for. Id. s. 9.

XXX. Every Conviction of every Offender against this Act shall be certified by the Justice or Justices of the Peace by and before whom the same shall be made to the General Quarter Sessions of the Peace to be held in and for the County, Riding, Division, City, or Place where the Offender or Offenders shall be convicted, and shall there be filed amongst the Records of the said Sessions; and every Conviction shall be in the Form of Words or to the following Effect:

Form of Conviction. Id. s. 10.

‘ **B**E it remembered, That on the _____ Day of _____ in the _____ Year _____ A. B. was upon the Complaint of C. D. convicted before me [or us] E. F. One [or Two] of Her Majesty's Justices
C
657.

of the Peace [as the Case may be] for _____ in pursuance of an
Act made in the _____ Year of the Reign of Her Majesty Queen
Victoria [insert the Title of this Act], for that the said
[state the Offence], [and if a Case in which different Penalties are
imposed for different Offences] this being the First Offence [Second, 5
or Third Offence, as the Case may be]; and I [or we] do hereby
adjudge him [her, or them] to pay and forfeit for the said Offence
the Sum of _____ of lawful Money of Great Britain and
Ireland, together with the further Sum of _____ for Costs of
Suit and Prosecution, to the said C. D. Given under my Hand and 10
Seal [our Hands and Seals, as the Case may be] at _____ in
the County of _____ the Day and Year above written.

Which said Conviction and Adjudication shall be good and valid in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only; and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench or any other of Her Majesty's Courts of Record at Dublin, but shall be deemed and taken to be final to all Intents and Purposes whatsoever.

Persons convicted under this Act, not to be prosecuted under any other H. S. 11.

Appeal.
Id. at 12.

XXXI. Where any Offender shall be punished for any Offence by 20
virtue of this Act, such Offender shall not again be prosecuted nor
incur any Penalty by virtue of any other Law or Statute now in force
or be liable to any other Punishment for the same Offence.

XXXII. Every Person who shall think himself or herself aggrieved by the Judgment of any Justice of the Peace or Magistrates in any of the Cases aforesaid may appeal to the Justices of the Peace for the County, Shire, Division, City, or Place where such Judgment shall be given at the then next or next but one General Quarter Sessions of the Peace; but no such Appeal shall be received, heard, or determined unless the Appellant or Appellants shall, within *Ten Days* next after such Judgment, and *Twenty Days* at least before the holding of such Sessions, give and leave in Writing, as well at the public Office of the Clerk of the Peace for such County, Shire, Division, City, or Place where such Person or Persons shall be convicted, as to the Person or at the Dwelling House of the Informer or Prosecutor, Notice of his, her, or their Intention to bring such Appeal, and shall also enter into a Recognizance before such Justice or Justices, in such Sum as any such Justice or Justices of the Peace shall think fit, not exceeding *Twenty Pounds*, conditioned to try such Appeal, and likewise to pay the Costs of such Appeal in case Judgment and Sentence shall upon the hearing thereof be given against the Appellant within *Ten Days* next after the Determination thereof; and the said Justices at their said Session shall and may, upon due Proof of such Notice given as aforesaid, hear and determine.

determine every such Appeal in a summary Way, and shall award or order to the Party in whose Behalf such Appeal shall be determined, such Costs and Charges as they in their Discretion shall think reasonable and just to be paid by the Party or Parties against whom such Appeal shall be determined; and in case such Costs and Charges shall not be paid within the Space of *Ten Days* next after the hearing and determining of such Appeal, the same may be levied by Distress and Sale of the Goods and Chattels of the Person or Persons ordered to pay the same, or his or their Surety or Sureties, in the same Manner and by the same Means as all Distresses are ordered to be taken under or by virtue of this Act.

XXXIII. No Action at Law shall be brought or commenced against any Person for anything done or to be done by virtue or in execution of this Act, until *One Calendar Month* after Notice thereof in Writing shall have been given to the Person against whom such Action shall be intended to be brought, or left at his last or usual Place of Abode, setting forth the Cause of such Action, and containing the Name and Place of Abode of the Plaintiff or Plaintiffs, and also of his or their Attorney; and every Action brought for anything done or to be done as aforesaid shall be brought within the Space of *Three Calendar Months* next after the Cause of Action or Complaint shall arise, and shall be laid and sued in the County, Shire, Division, City, or Place where the Fact shall have been committed, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by virtue thereof; and also, it shall and may be lawful to and for such Person or Persons, at any Time before Action brought, to tender Amends to the Party complaining, or his or her Agent or Attorney, and in case the same is not accepted to plead such Tender in bar to the Action, together with the Plea of Not guilty, and any other Plea with the Leave of the Court; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of *One Calendar Month* next after such Notice shall have been so given or left as aforesaid, or after the End of *Three Months* next after the Cause thereof shall have arisen, or if such Action shall have been brought or laid in any other County or Place than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in any of the Cases aforesaid the Jury shall find a Verdict for and acquit the Defendant or Defendants in such Action; or if the Plaintiff or Plaintiffs shall discontinue the same after the Defendant or Defendants shall have appeared, or shall be nonsuited, and if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have *double Costs*, and have the like

Limitation
of Actions,
Sec.
14. s. 13.

No Proceed-
ing for any
Offence
against this
Act unless
commenced
within Six
Calendar
Months.

Remedies for recovering the same as Defendants have for recovering their Costs in other Cases at Law; and no Action, Suit, Information, or other Proceeding whatsoever shall be brought or commenced against any Person or Persons for any Offence or Offences against this Act, unless the same shall be laid or commenced within Six Calendar Months next after any such Offence or Offences shall have been committed. 5

Nothing
herein to
extend to
ancient
Weirs on
Rivers.
1 G. 1. sess. 2
c. 18. s. 18.

XXXIV. Provided always, That nothing herein contained shall extend or be construed to extend to any ancient Weirs or Locks upon any Rivers, but it shall and may be lawful for the Proprietors or Owners thereof to repair, maintain, rebuild, remove, or take down any of the said Weirs or Locks as they might have done in case this Act had not been made. 10

Act not to
affect the
present
Modes of
fishing.
28 G. 3. c. 43
s. 5.

XXXV. Provided also, That nothing herein contained shall extend or be deemed or construed to legalize, nor to demolish, take away, or destroy any Net, Fish, Lock, Coop, Bay, or other Work, which shall have been or may hereafter be lawfully erected, put, placed, fixed, or used in any Arm of the Sea or Estuary or Mouth of any River, or in or upon any Bank, Sand, or Shore thereof, or near thereto, or in or near any River, Rivulet, Brook, Stream, Pond, Pool, or other Water, Mill-lead, Milldam, Sluice, or Cut, which runs into or otherwise communicates therewith, or to the present Modes or Methods used for taking and killing Fish therein, other than and as are in this Act particularly prohibited. 15 20

Not to affect
the Provi-
sions of any
Local Act;
Id. s. 14.

XXXVI. Provided also, That nothing in this Act contained shall extend or be construed to extend to alter any Act or Acts of Parliament, or any Clause, Provision, Regulation, or Penalty or Forfeiture contained in any Act or Acts of Parliament in force for the Regulation of any Fishery or Fisheries, or the Preservation thereof, or of the Brood, Spawn, or Fry of Fish in any particular County or Arm of the Sea, Estuary, or River. 25 30

use the
Rights of
Manors;
Id. s. 15.

XXXVII. Provided also, That nothing herein contained shall extend to affect the Rights of any Lord or Lords, Lady or Ladies of any Manor; and it shall be lawful for such Lord or Lords, Lady or Ladies, and they are hereby required to appoint Conservators for the Protection of any River or Rivers within their respective Manors. 35

use the
Rights of
Corpora-
tions;
Id. s. 16.

XXXVIII. Provided also, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Rights, Interests, Privileges, Franchises, or Authority of any Body or Bodies Politic, Corporate, or Collegiate, or their Successors, or to prohibit, 40

prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which such Body or Bodies Politic, Corporate, or Collegiate at the Time of the passing of this Act did or might lawfully claim, use, or exercise in any River or Rivers as aforesaid.

- 5 XXXIX. Provided also, That nothing herein contained shall extend
 or be construed to extend to affect, prejudice, or derogate from any
 such Right, Title, Freehold, Franchise, Interest, Claim, or Privilege,
 as any Person now lawfully has and enjoys, or of Right ought to have
 and enjoy by any Manner of Means, anything in this Act to the con-
 10 trary notwithstanding.

Having
 Rights of all
 Persons.
 1 Elia. c. 17.
 s. 12.